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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,448	01/15/2004	Yasukazu Noguchi	118346	4088
25944	7590	01/11/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			KAUFFMAN, BRIAN K	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 10/757,448	Applicant(s) NOGUCHI ET AL.	
	Examiner Brian K Kauffman	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2004.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☒ Claim(s) 18-21 is/are allowed.
 6) ☒ Claim(s) 1-5 and 8-15 is/are rejected.
 7) ☒ Claim(s) 6,7,16 and 17 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 8-15, are rejected under 35 U.S.C. 102(b) as being anticipated by Larew (3,250,447).

In regard to claims 1-5 and 8-10, Larew discloses a threader including a threading hook (fig. 3) configured to pass through an eye of a needle, engage a thread, and withdraw from the eye of the needle such that the thread passes through the eye of the needle; and a thread drawer (fig. 3) including a thread drawing member wiping the thread extending through the needle eye downward, the thread drawing member also drawing a looped thread having been passed through the needle eye by the threading hook (fig. 6 and 7).

In regard to claim 11, Larew discloses a method of controlling a threader and a thread drawer of a sewing machine, the threader including a threading hook (fig. 3) configured to pass through an eye of a needle, engage a thread, and withdraw from the eye of the needle such that the thread passes through the eye of the needle, the thread drawer (fig. 3) including a thread drawing member wiping the thread extending through the needle eye downward, the method comprising drawing, by the thread drawing

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member, a looped thread having been passed through the needle eye by the threading hook (fig. 6 and 7).

With regard to the claim preamble (e.g. in claim 1) it is noted that applicant recites a "sewing machine". The tufting needle threading tool of Larew comprises a "sewing machine" since the tool is a machine that operates to thread the needle of a tufting machine during the operation of that tufting machine (e.g. when a yarn break has occurred that requires re-threading of the tufting machine). Since the threading tool is used in conjunction with a tufting machine during the course of the tufting machine's operation the threading tool comprises a part of the tufting machine. Further note that a tufting machine is one type of sewing machine.

Allowable Subject Matter

Claims 6-7 and 16-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 18-21 are allowed.

The following is an examiner's statement of reasons for allowance:

Claims 6 and 16 are allowed because they specifically require that the thread drawing member has a shorter distance of movement in a case of releasing the thread from the looped state than a distance of movement in a case of wiping the thread.

Claims 7 and 17 are allowed because they specifically require the thread drawing member to have a distal end positioned higher in a case of releasing the thread from the looped state than in a case of wiping the thread.

Claim 18 is allowed because it specifically requires a control unit controlling controlling the threader and the thread drawer, a first operation section for entering a command to operate the threader and a second operation section for entering a command to cause the thread drawer to release the thread from a looped state, a threading control program executed by a computer of the control unit so that the needle eye is threaded and comprising: a first routine of passing the threading hook through the needle eye in response to the command delivered from the first operation section; a second routine of pulling, through the needle eye, the threading hook on which the thread is caught, causing the threader to carry out a threading operation , and moving the threader by a predetermined distance so that the threader is stopped at a thread releasing position, a third routine of operating the thread drawer so that the thread drawing member of the thread drawer engages the looped thread extending from the needle eye by the threading hook; and a fourth routine of returning the thread drawing member of the thread drawer to a standby position and further returning the threading hook to a standby position.

Claim 19 is allowed because it specifically requires a control unit controlling the threader and the thread drawer, and a first operation section for entering a command to operate the threader, a threading control program executed by a computer of the control unit so that the needle eye is threaded and comprising: a first routine of passing the threading hook through the needle eye in response to the command delivered from the first operation section; a second routine of pulling the threading hook through the needle eye, the threading hook having been passed through the needle eye as the result of

execution of the first command from the first operation section and causing the threader to carry out a threading operation and moving the threader by a predetermined distance so that the threader is stopped at a thread releasing position; a third routine of operating the thread drawer so that the thread drawing member of the thread drawer engages the looped thread extending from the needle eye by the threading hook; and a fourth routine of returning the thread drawing member of the thread drawer to a standby position and further returning the threading hook of the threading hook to a standby position.

Claim 20 is allowed because it specifically requires a threading control recording medium on which the threading control program defined by claim 18 is recorded so as to be readable.

Claim 21 is allowed because it specifically requires a threading control recording medium on which the threading control program defined by claim 19 is recorded so as to be readable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments filed 10/26/04 have been fully considered but they are not persuasive. The prior art reads on the new claim language. The entire apparatus shown in figure 3 is considered to be both a threader and a thread drawer. It accomplishes the tasks claimed in the claim language, which includes passing through

the eye of the needle, engaging a thread, and withdrawing from the eye of the needle such that the thread passes through the eye of the needle. The specification of the immediate invention does disclose a specific order that the tasks are performed, which is different than the order that is disclosed by Larew. However, the claim language does not specify a specific order in which the tasks must occur. It merely claims that the tasks must occur. Hence, Larew's apparatus reads on the claim.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K Kauffman whose telephone number is (571)272-4988. The examiner can normally be reached on M-F every week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571)272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BKK
12/21/04



Rodney M. Lindsey
Primary Examiner